

Senate File 378 - Introduced

SENATE FILE 378
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 250)

A BILL FOR

1 An Act relating to reimbursement of defense costs of peace
2 officers and corrections officers.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 gaming enforcement officer, who has passed a satisfactory
2 physical and mental examination, who has been duly appointed
3 by the department of public safety, and who is employed by any
4 division of the department of public safety.

5 Code section 80.37 provides that if an officer is charged
6 with the alleged commission of a public offense, based on acts
7 or omission within the scope of the officer's lawful duty
8 or authority, and the charge is dismissed or the officer is
9 acquitted, the officer shall be reimbursed for costs incurred
10 in defending the charge if the court finds that the charge
11 was without probable cause, filed for malicious purposes, or
12 was unwarranted in consideration of the circumstances. Code
13 section 80.37 also provides that if a court fails to award
14 reimbursement of defense costs to an officer, the officer may
15 apply for judicial review of that decision.

16 The bill expands the type of peace officer who is entitled
17 to reimbursement of certain defense costs and moves Code
18 section 80.37 to new Code section 80F.2. The bill adds to
19 the definition of "peace officer" the following: a sheriff
20 and sheriff's regular deputy who is subject to mandated law
21 enforcement training, marshal and police officer of a city,
22 parole officer acting pursuant to Code section 906.2, probation
23 officer acting pursuant to Code sections 602.7202(4) and 907.2,
24 peace officer employed by board of regents institutions as
25 set forth in Code section 262.13, conservation officer as
26 authorized by Code section 456A.13, employee of the department
27 of transportation designated as a peace officer by resolution
28 of the department under Code section 321.477, employee of
29 an aviation authority designated as a peace officer by the
30 authority under Code section 330A.8(16), and such person as may
31 be otherwise so designated by law.

32 The bill also provides that a corrections officer is
33 entitled to reimbursement of certain defense costs in the same
34 manner as a peace officer.